

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA TELECOMMUNICATIONS SERVICES, INC., d/b/a IOWA TELECOM	DOCKET NO. TF-03-130
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ORDER REGARDING MOTION TO APPROVE OR DISMISS

(Issued August 5, 2003)

On July 31, 2003, Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), filed a Motion to Approve Tariff or to Dismiss Proceeding and to Otherwise Allow Tariff to Become Effective. In its request, Iowa Telecom states that the two intervenors have dismissed their interventions and the Consumer Advocate Division of the Department of Justice filed a notice that it does not oppose the tariff. Therefore, Iowa Telecom states that the Board should enter an order approving the Win Back Tariff as filed, or in the alternative, dismiss this action and allow the Win Back Tariff to become immediately effective.

On July 9, 2003, Iowa Telecom filed testimony and exhibits in support of its proposed Win Back Tariff, and answered certain questions posed by the undersigned administrative law judge. In this evidence, Iowa Telecom did not file information regarding expected retention rates and times for new customers, as opposed to Win Back customers. Iowa Telecom provided this evidence with respect to Win Back customers in Mr. Knock's testimony and confidential exhibit CAK-2. Therefore, Iowa

Telecom should file additional evidence answering the following question in the form of prefiled testimony and/or exhibits accompanied by an affidavit.

Does Iowa Telecom expect the retention rates and times for new customers to be similar to those for Win Back customers? If not, what retention rates and times does Iowa Telecom expect for new customers? In either case, please provide support for your answer.

In the answers to questions, Mr. Stewart testified Iowa Telecom intended that the language in proposed paragraph 2(b) ensure that each customer is eligible for the waiver only once. However, because of the structure of the sentence in proposed paragraph 2(b), it is unclear whether a customer is eligible for the waiver only once. Therefore, Iowa Telecom should file a revised proposed tariff for approval that includes language explicitly stating that each customer is eligible for the waiver only once.

The waivers available to resellers in proposed paragraph 2(i) do not appear to be comparable to those available for Iowa Telecom's own customers pursuant to the remainder of the proposed tariff. In the answers to questions, Mr. Stewart responded that this was a mistake, and Iowa Telecom would include it in the final version of the tariff. Therefore, when it files the revised proposed tariff for approval, Iowa Telecom should include revised reseller language in paragraph 2(i) that makes the waivers available to resellers comparable to waivers Iowa Telecom will offer its own customers.

If a ruling were issued today on Iowa Telecom's motion, the motion would be denied. However, if Iowa Telecom files sufficient evidence and a revised proposed tariff pursuant to this order, it appears the Win Back Tariff could be approved.

IT IS THEREFORE ORDERED:

1. Iowa Telecom must file additional evidence regarding new customer retention rates and periods of time as discussed in the body of this order.
2. Iowa Telecom must file a revised proposed tariff for approval as discussed in the body of this order.
3. Once Iowa Telecom complies with this order, its Motion to Approve Tariff or to Dismiss Proceeding filed July 31, 2003, will be reconsidered and a ruling will be issued.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 5th day of August, 2003.